

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TRACEY SMITH,

Plaintiff,

v.

THE FOOD BANK OF
EASTERN MICHIGAN,

Defendant.

Case Number 14-13795
Honorable David M. Lawson
Magistrate Judge Anthony P. Patti

**ORDER ADOPTING REPORT AND RECOMMENDATION,
GRANTING DEFENDANT'S MOTION FOR SUMMARY
JUDGMENT, AND DISMISSING COMPLAINT**

Presently before the Court is the report issued on May 31, 2016 by Magistrate Judge Anthony P. Patti pursuant to 28 U.S.C. § 636(b), recommending that the Court grant the defendant's motion for summary judgment and enter judgment in favor of the plaintiff. The magistrate judge's report explicitly stated that the parties to this action may object to and seek review of the recommendation within fourteen days of service of the report. On June 17, 2016, the plaintiff filed a motion for a two-week extension to file her objections. The Court granted the motion and ordered objections to be filed on or before July 1, 2016; no objections have been filed thus far. The parties' failure to file objections to the report and recommendation waives any further right to appeal. *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the matter. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). However, the Court agrees with the findings and conclusions of the magistrate judge.

Accordingly, it is **ORDERED** that the magistrate judge's report and recommendation [dkt. #76] is **ADOPTED**.

It is further **ORDERED** that the defendant's motion for summary judgment [dkt. #48] is **GRANTED**.

It is further **ORDERED** that the complaint is **DISMISSED WITH PREJUDICE**.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: July 5, 2016

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on July 5, 2016.

s/Susan Pinkowski
SUSAN PINKOWSKI